

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE: PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE LITIGATION

MDL NO. 1456

THIS DOCUMENT RELATES TO:

CIVIL ACTION: 01-CV-12257-PBS

TRACK TWO SETTLEMENT

Judge Patti B. Saris

**MOTION FOR RECONSIDERATION
OF THE COURT'S JANUARY 4, 2011 ELECTRONIC ORDER
DIRECTING NOTICE TO POTENTIAL CLASS 1 MEMBERS**

Third Party Payer Allocation counsel and the Independent Health Plans respectfully move this Court to reconsider its January 4, 2011 Electronic Order directing Class Counsel to proceed with a notice plan for Track Two Class 1 consumers costing in excess of \$16,000,000. The grounds for this motion are set forth in the accompanying memorandum of law.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d) the undersigned counsel hereby request oral argument on the issues set forth in this motion and the accompanying memorandum of law and declaration.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), the undersigned counsel hereby certify that Third Party Payer Allocation counsel and/or the Independent Health Plans' counsel conferred with Class Counsel regarding the issues addressed in this motion, but were unable to resolve or further narrow the issues.

Dated: January 6, 2011
White Plains, New York

Respectfully submitted,

/S/

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TPP Allocation Counsel

CERTIFICATE OF SERVICE

I hereby certify that I, Peter D. St. Phillip, an attorney, caused a true and correct copy of the foregoing **MOTION FOR RECONSIDERATION OF THE COURT'S JANUARY 4, 2011 ELECTRONIC ORDER DIRECTING NOTICE TO POTENTIAL CLASS 1 MEMBERS** to be delivered to all counsel of record by electronic service pursuant to Paragraph 11 of the Case Management Order No. 2, by sending, on January 6, 2011, a copy to LexisNexis File & Serve for posting and notification to all parties.

/s/ Peter D. St. Phillip

Peter D. St. Phillip